

Waiver of Service of Summons

TO: Matthew W. Lampe, Esq.
Jones Day
222 East 41st Street
New York, NY 10017

I acknowledge receipt of your request that I waive service of a summons in the action of INTERNATIONAL BUSINESS MACHINES CORPORATION, which is case number 08-3688 in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that my client, International Business Machines Corporation be served with judicial process in the manner provided by Rule 4.

Defendant will retain all defenses or objections to the lawsuit or to the jurisdiction or venue in of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against Defendant if an answer or motion under Rule 12 is not served upon you within 60 days after April 25, 2008.

5/5/2008
Date

Wendy C. Butler
~~Matthew W. Lampe, Esq.~~ Wendy C. Butler, Esq.
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